

## REMARKS

This Response is submitted in reply to the non-final Office Action mailed on September 14, 2007. A petition for a three month extension of time is requested. The Director is authorized to charge \$1,050 for the three month extension of time and any additional fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 112843-76 on the account statement.

Claims 17-28 are pending in this application. Claims 1-11 were previously canceled. Claims 12-16 were previously withdrawn. Claims 17 and 21-22 are allowed. In the Office Action, Claim 26 is objected to and Claims 18-20, 23-25 and 27-28 are rejected under 35 U.S.C. §102. In response, Claims 18-20, 23 and 25 have been amended. The amendments do not add new matter. In view of the amendments and/or for the reasons set forth below, Applicants respectfully submit that the rejections should be withdrawn.

In the Office Action, Claim 20 is rejected under 35 U.S.C. §102(b) as anticipated by the publication to Simonet et al. ("*Simonet*"). Claims 18-19, 23-25 and 27-28 are rejected under 35 U.S.C. §102(b) as anticipated by EP 0816380 to Goto et al. ("*Goto*"). Applicants respectfully disagree with and traverse these rejections for at least the reasons set forth below.

Applicants have amended independent Claim 20 to recite, in part, an osteoprotegerin including a glycosylation pattern giving rise to a polypeptide having a molecular weight between 126 kDa and 130 kDa. Independent Claims 18-19, 23 and 25 have been amended to recite, in part, a food material, enteral composition or pharmaceutical composition comprising osteoprotegerin including a glycosylation pattern giving rise to a polypeptide having a molecular weight between 126 kDa and 130 kDa. The amendment is supported in the specification, for example, at Figure 2. Figure 2 illustrates osteoprotegerin including a glycosylation pattern giving rise to a polypeptide having a molecular weight between the claimed range as shown by the Western Blot analysis. In contrast, Applicants respectfully submit that the cited references fail to disclose or suggest every element of independent Claims 18-19, 20, 23 and 25.

*Simonet* fails to disclose or suggest an osteoprotegerin including a glycosylation pattern giving rise to a polypeptide having a molecular weight between 126 kDa and 130 kDa as required, in part, by Claim 20. *Goto* fails to disclose or suggest a food material, enteral composition or pharmaceutical composition comprising osteoprotegerin including a

glycosylation pattern giving rise to a polypeptide having a molecular weight between 126 kDa and 130 kDa as required, in part, by Claims 18-19, 23 and 25.

The Patent Office alleges that the osteoprotegerin in *Simonet* that is converted to a disulfide-linked dimer of approximately 110 kDa and the osteoclastogenesis inhibitory factor (OCIF) of *Goto* having an apparent molecular weight of 60 kDa as a monomer and 120 kDa as a dimer meet the claimed limitation of an osteoprotegerin including a glycosylation pattern giving rise to a polypeptide having a molecular weight of approximately 130 kDa. In view of the amendments, the skilled artisan would reasonably understand that compounds having a molecular weight of 110 kDa and 120 kDa clearly fall outside of the claimed range between 126 kDa and 130 kDa. For at least the reasons discussed above, Applicants respectfully submit that independent Claims 18-20, 23 and 25, along with Claims 24 and 26-28 that depend from Claims 23 and 25, are novel, nonobvious and distinguishable from the cited references.

Accordingly, Applicants respectfully request that the objection to Claim 26 and the rejections of Claims 18-20, 23-25 and 27-28 under 35 U.S.C. §102 be withdrawn.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same. In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Respectfully submitted,

~~BELL, BOYD~~ & LLOYD LLC

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